

account of the same at any regular meeting of the board of road commissioners of the township in which said timber, stone, gravel, sand or clay were taken within sixty days after the taking and carrying away of such timber, stone, gravel, sand or clay, it shall be the duty of said board of road commissioners to pay for the same a fair price out of the road funds in the hands of the treasurer of their township, and before deciding upon this they may cause to be appointed an impartial jury of three freeholders of said township, one to be selected by the county road superintendent, one by the party claiming damages, and the third to be selected by these two, which jury shall report in writing to the highway commission of the county for revision or confirmation, and the decision of said highway commission of the county shall be transmitted to the board of road commissioners of said township and shall be final, and shall be paid by the said board of road commissioners of said township, as hereinbefore provided: *Provided*, that the said landowner, or his agent, shall have the right of appeal from the decision of said county highway commission in the same manner as is hereafter provided for appeals in proceedings for condemnation of land for said public roads.

SEC. 26. That, subject to the approval of the highway commission of said county, the county superintendent of roads is hereby given discretionary power, subject to the provisions of this act, to locate, re-locate or change any part of any public road where in his judgment such location, re-location or change will prove advantageous to the public travel: *Provided*, such change shall not substantially vary from the original location provided by this act as contained and designated on the maps hereinbefore provided for; that when any person or persons on whose land the new road, or part of the road, is to be located by any of the provisions of this act, claims damages therefor and within sixty days petitions the board of road commissioners of the township in which said road is situate for a jury to assess the damages, the said commissioners, within not less than fifteen nor more than sixty days after the completion of said road, shall order said jury of three disinterested freeholders to be summoned by the sheriff or constable of the township, as provided by law, who shall give said landowner, or his representative, three days notice of the time and place when and where said jury will meet to assess damages, and said jury being duly sworn, and considering the question of damages, shall also take into consideration the benefits of public travel and to the owner of the land, and if said benefits be considered equal to or greater than the damages sustained the jury shall so declare and it shall report in writing its findings to the board of road commissioners of said township for confirmation or revision: *Provided*, that if said landowner be a nonresident of the county and have no legal representative, it shall be deemed sufficient service of such notice for the

Payment.
Assessment of
damages.

Proviso: right of
appeal.

Location and
changes.

Proviso: limit
of change.

Claims for dam-
ages.

Assessment of
damages.

Proviso: notice
to nonresident
landowners.